



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,306	06/23/2003	Glenn Carlin	6459-05	3162

7590 12/01/2004  
Daniel G. Mackas  
McCormick, Paulding & Huber LLP  
City Place II  
185 Asylum Street  
Hartford, CT 06103

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/606,306

Applicant(s)

CARLIN ET AL.

Examiner

Cassandra Davis

Art Unit

3611

*WU*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☒ Claim(s) 24-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

---

**DETAILED ACTION**

---

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-12, 14, 16, and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellis, U. S. Patent 3,734,809.

3. A display device comprising a sheet folded along creases 7 to define a plurality of plates, wherein the first plate having a forward surface and a rearward surface and the second plate disposed rearwardly of and adjacent to the first plate. The second plate having a forward surface and a rearward surface and third plate disposed rearwardly of and adjacent to the second plate, wherein the third plate having a forward surface and a rearward surface. (See figures 2 and 4).

Ellis also teaches biasing means in the form of a rubber band 14 for permitting relative movement of adjacent plates between a retracted position and an expanded position when the first plate is pulled generally in a forward direction and for biasing the plates toward the retracted position for returning the plates to the retracted position when the first plate is released. (See column 2 and lines 1-8). The plates in the retracted position being generally in registration with one another such that the rearward surface of the first plate faces the forward surface of the second plate, and the rearward surface of the second plate faces the forward surface of the third plate whereby

---

generally only the forward surface of the first plate is exposed for viewing information to be displayed thereon from a position generally forward of the display device, and the plates in the expanded position oriented such that the forward surface of the first plate, the rearward surface of the second plate and the forward surface of the third plate are exposed for viewing information to be displayed thereon from a position generally forward of the display device.

Ellis teaches that the first, second and third plates each have a first edge and a second edge generally at an opposite end relative to the first edge, the first edge of the first plate is secured to a hang grip 9 to pull the plates from the retracted position, seen in phantom lines in figure 2, to the expanded position, seen in solid lines in figure 2. the second edges of the first plate and the second plate being hingedly coupled to each other at 7, and the first edges of the second plate and the third plate being hingedly coupled to each other at 7 to further facilitate movement of the plates between the retracted position and the expanded position.

Ellis teaches a first rubber band 14 coupled to the first, second, third, and fourth plate and a second rubber band is coupled to the first thru fourth plates. The examiner considers the first rubber band to correspond to upper rubber band seen in figure 1 and a second rubber band to correspond to the lower rubber band seen in figure 1, wherein the first band is.

***Allowable Subject Matter***

4. Claims 1-23 are allowed.

---

***Response to Arguments***

5. Applicant's arguments filed August 27, 2004 have been fully considered but they are not persuasive. The applicant indicates that claims 24 and 25 correspond to claims 9 and 15. Claims 15 and 17 were objected to as having allowable subject matter in Office Action Mailed August 6, 2004. However, these claims appear to correspond to claims 1, 3, and 4 and claims 1, 2, and 6, respectively. Original claim 15 recites a third and fourth elastic member and third and fourth plate member which are not recited in new claims 24 and 25. As a result claims 24 and 25 are rejection as being anticipated by Ellis.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

---

~~Any inquiry concerning this communication or earlier communications from the~~  
examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
November 29, 2004